

**Serial No. 10/501,750
Atty. Doc. No. 2002P00211WOUS**

REMARKS

Claims 18-27 and 29-33 stand rejected as being anticipated by US pat. No. 6,311,069 (hereinafter Havinis). Claim 28 stands rejected as being unpatentable over Havinis in view of US pat. No. 6,961,417 (hereinafter Koch). There were several objections noted in the Office Action in connection with claims 20, 21, 26, 28 and 30. Reconsideration of the rejections and objections is requested in view of the foregoing amendments and the following remarks.

Claims 20, 21, 26, 28 and 30 were amended to address the objections identified in the Office Action. Claim 18 was amended to emphasize patentable aspects of the present invention. Claim 33 has been cancelled. A new claim (claim 34) has been added to further protect aspects of the present invention. Accordingly, claims 18-32 and 34 remain pending.

Claim 18 is directed to a method for requesting the agreement of a user of a mobile terminal 13 (FIG. 3) of a mobile radio network to the transfer of their position data to a party, e.g., Locator Services Application (LCS) 11, requesting this position data. The method allows providing a central privacy entity 26 comprising a database server for storing privacy data 18 regarding the mobile terminal. In particular, the central privacy entity constitutes a separate entity from a Home Location Register (HLR) 16 for the mobile terminal. The privacy data 18 stored in the database server at the central privacy entity is defined to assign to the mobile terminal at least one verification rule as to whether an agreement must be obtained on the mobile terminal side to forward the mobile terminal position to the requester. The switching center 14 of the mobile radio network (in the event of the arrival of a request from a requester for the position of the mobile terminal) causes the database server at the central privacy entity 26 to make a check on the basis of the privacy data stored there. The results of the check performed at the central privacy location 26 are sent to the switching center 14. If the result indicates that an agreement must be obtained, the switching center 14 sends a request for an agreement to the mobile terminal. If the agreement is received by the switching center, then the position of the mobile terminal is sent by the switching center to the requester.

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As noted in paragraph 34 of the published application, the fact that the privacy data is no longer stored in the HLR but in the LCS central privacy location (database server 26) allows the network load between HLR 16 and switching center MSC/SGSN 14 and the memory requirement in the HLR to be significantly reduced. That is, the structural and/or operational relationships set forth in claim 18 enable an advantageous result not achieved by the prior art. It is respectfully submitted that Havinis fails to disclose the structural and/or operational relationships set forth in claim 18. Accordingly, it is not believed that there is any description or suggestion in Havinis that meets the structural and/or operational relationships set forth in applicant's claim 18. Anticipation under 35 U.S.C. §102 requires that "The identical invention must be shown in as complete detail as contained in the ...claim." (citations omitted). Accordingly, it is submitted that Havinis fails to anticipate or otherwise render unpatentable claim 18. Thus, the rejection of claims 18-27 and 29-33 under 35 U.S.C. §102 is not supported by the cited art and should be reversed.

In connection with dependent claim 28, it is respectfully submitted that Koch fails to overcome the deficiencies of Havinis noted above in connection with claim 18, the parent claim of claim 28. Consequently, the Havinis/Koch combination fails to render unpatentable claim 28.

Claim 34 is directed to a computer readable media containing program instructions for requesting the agreement of a user of a mobile terminal of a mobile radio network to the transfer of their position data to a party requesting this position data. No new issues are introduced in claim 34. It is respectfully submitted that in view of the foregoing discussion Havinis also fails to anticipate or otherwise render unpatentable claim 34.

It is respectfully submitted that each of the claims pending in this application recites patentable subject matter and it is further submitted that such claims comply with all statutory requirements and thus each of such claims should be allowed.

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Conclusion

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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